DEC 2 3 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF	:	Paul A. Mueller et al.
FOR	:	**ADJUSTABLE SHELVING SYSTEM**
SERIAL NO.	:	10/686,096
FILED	:	October 14, 2003
EXAMINER	:	Unknown
ART UNIT	:	3632
CONFIRMATION NO.	:	6823
ATTORNEY DOCKET NO.	:	**FFRZ 2 00229**

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.56, 1.97, 1.98 and MPEP § 609, applicant(s) submit(s) the following Disclosure Statement concerning art of which the applicant(s) is (are) aware. A copy of PTO-1449 is enclosed herewith.

This Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to herein or submitted herewith is "prior art" for this invention unless specifically designated as such.

In accordance with the United States Patent and Trademark Office OG Notice dated 05 August 2003, waiving the requirement under 37 C.F.R. §1.98(a)(2)(i), for submitting a copy of each cited U.S. patent and U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003, Applicant(s) has not enclosed copies of the cited U.S. patents and applications with this Disclosure.

In accordance with 37 C.F.R. §1.97(g) and (h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Under § 1.98(a)(3), no concise explanation of relevance is required for information that is in the English language

Consideration of the appropriate paragraph(s) indicated below is respectfully requested:

☐ **WITHIN THREE MONTHS OF FILING**: Under § 1.97(b)(1), this Information Disclosure Statement is being filed within three months of the filing date of the application. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☒ **BEFORE FIRST OFFICE ACTION**: Under § 1.97(b)(3), this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☐ **INTERNATIONAL SEARCH REPORT**: Under § 1.97(e)(1), the undersigned certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☐ **BEFORE FINAL ACTION/WITH FEE**: Under § 1.97(c)(2), this information shall be considered if filed before the mailing date of a final action if accompanied by a fee in the amount of $180.00 as required by §1.17(p). Accordingly, the necessary fee accompanies this Information Disclosure Statement. Any overpayment or deficiency can be charged to Deposit Account No. 06-0308.

☐ **PRIORITY CLAIM**: The attached PTO 1449 Form includes all patents, publications, or other information previously cited by or submitted to the Office in one or more prior applications from which the present application claims priority. These one or more prior applications are identified in the papers accompanying the filing of this application. In accordance with § 609 MPEP, only copies of art not previously submitted are enclosed.

It is respectfully requested that the attached document(s) be considered and officially cited in examination of this application.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

December 20, 2004
Date

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Cleveland, OH 44114-2518
216/861-5582

CERTIFICATE OF MAILING

I certify that this Information Disclosure Statement and accompanying document(s) are being
☒ deposited with the United States Postal Service as First Class mail under 37 C.F.R. 1.8, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
☐ transmitted to facsimile number under 37 C.F.R. 1.8 on the date indicated below.
☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:	Signature
	Roseanne Giuliani
Date	Printed Name
December 20, 2004	Roseanne Giuliani

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Form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT(S)

(Use as many sheets as necessary)

Sheet 1 of 1

COMPLETE IF KNOWN	
Application Number	10/686,096
Filing Date	October 14, 2003
First Named Inventor	Paul A. Mueller et al.
Art Unit	3632
Examiner Name	
Attorney Docket No.	FFRZ 2 00229

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	Document No. Number-Kind Code (if known)	Issue Date/ Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	AA	3,038,067	06/1962	E.C. Dench et al.
	AB	5,562,217	10/1996	Salveson et al.
	AC	6,622,874	09/2003	Hawkinson
	AD	6,772,888	08/2004	Burke
	AE			
	AF			
	AG			
	AH			
	AI			
	AJ			
	AK			
	AL			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document Country Code-Number Kind Code (if known)	Issue Date/ Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T
	AM				
	AN				
	AO				
	AP				

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T
	AQ		
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